

DELAWARE DEPARTMENT OF JUSTICE
COMMON INTEREST COMMUNITY ADVISORY COUNCIL
DRAFT MINUTES

Meeting Date: November 21, 2019

Meeting time: 1:00 pm – 3:00 pm

Meeting Location:

Kent County Levy Court
Room 220
555 Bay Road
Dover, DE 19901

TELEPHONE ACCESS:

DIAL IN TOLL FREE: (877) 643-6951

PARTICIPANT CODE: 51438603

1. **Call to Order:** Gail Launay-Tarlecki, Chair

Attendance:

Present:

In Person- Chris Curtin, Esq., Pat Woodring, Sarah Keifer, Douglas Denison, William Brady, Esq., Patricia Abernathy

By Telephone: Gail Launay-Tarlecki, Ruth Visvardis, Delores McLamb, Frederick Fortunato, Leslie Ledogar, Esq., Robert Goff, Jr., Charles Stirk

Ad Hoc: Jack Hilamon

QUORUM.

Absent: Michael Costello, James Smith, Tony Campisi,

Ad Hoc: Jack Hilaman

2. **Approval of Minutes: July 24, 2019**

Leslie moved. Delores seconded. Approved as amended.

3. **Public Comment:**

Mike Bragdon (in attendance)— No comment

4. **Council Membership status: Chris Curtin**

2 vacancies-See attached report from Chris.

A Gubernatorial Appointee is still needed for Kent County.

Chris discussed Senate Bill 109-signed into law in November, 2019 changes to the Advisory Council-Gubernatorial appointees may be “Unit Owners” and not just “Board Members.”

Chris asked for help with identifying new nominees, asked if anyone knows of anyone interested in serving to let the Office of the Ombudsman or the Governor’s Office aware.

5. **Guest Speaker:** None

6. **Committee Reports** on study and advice to Ombudsman on statutorily required and other subjects:

- a. **Community Conflict Resolution/ADR & Feasibility of Mandatory ADR:** No Chair person. Leslie reported. State of New Mexico has put an Online Dispute Resolution in place. Once you file online, the court sends a notice to the parties. Mediation proceeds via email through a secure portal. If parties can’t resolve the issue, it goes to the court. If it is resolved it is taken off the courts’ schedule. The court has the ability to upload documents. The site has educational links. Online retail dispute resolutions are already in place and being used in New Mexico. Chris would like to use them as a template to explore use in Delaware for the Ombudsman’s office. Chris plans to discuss this with DTI and DocuSign.
- b. **Mechanisms for Registering Common Interest Communities:** Chris Curtin reported. The Committee is to discuss options. Chris discussed DTI’s interest in helping with Annual Franchise Tax Reports. Also discussed conversations with DocuSign and his conversation with DTI, suggesting contacting Doug Denison to discuss uses. Patricia Abernathy asked about the counties’ stormwater management databases of communities in the different counties and suggested a possible database project for the University of Delaware.
- c. **Mechanisms to Increase Collections & Legislative Issues & Processes:** Chad reported. Completed 1st draft of Collections Manual. Legislative committee drafted a bill for changes to the DUCIOA. Needs approval by Council. Chad asked for a motion to approve. Leslie moved, Ruth seconded motion. Jack Hilaman asked about changes in 81-408 of DUCIOA and 10% penalty to developer with mistakes in Public Offering Statements. Motion to approve minus 81-408. Patti questioned 81-324 budget using and proxy voting for approval. Fred moved to approve bill with 81-408 remanded back for future use. Approved Draft of DUCIOA Amendment Bill passed with 1 objection- 81-324(proxy).
- d. **Operation of the Ombudsman’s Office:** No Chair, no report. Committee needs someone from the Advisory Council.
- e. **Mentoring:** Delores reported. Scheduled to have meeting before January of this year. Found a person for Sussex County. Chris contacted Dave Hughes; objectives to get clients and promote committee, suggesting email blasts.
- f. **Education:** Gail Launay-Tarlecki, Chair. The Committee discussed scheduling Workshop dates and mentioned the 10/19/19 CAI workshop, great materials, great success. Jack Hilaman commented on that workshop: 2 of his homeowners attended, 1 Board member, and another potential board member. Both mentioned the workshop as being very informative and appreciated. It

gained a sponsor willing to sponsor Ombudsperson's workshops. Discussed that CPU funds available may not justify featuring a sponsor at this time, due to appearance of favoritism. Asked for everyone to look out for the Dover OMB budget hearings with a possible upcoming date. Training schedule was proposed and agreed as follows:

2/26/20- Sussex	Collections
4/22/20- NCC	Collections
6/24/20- Kent	Transitions
8/12/20- Sussex	Transitions (accommodates Chads availability)
10/17/20- Joint/CAI Workshop	(Target date for Tony's approval.)

This schedules the workshops on the 4th Wednesday of each month between Council meetings.

Council members are asked to Calendar these and the Council meeting dates from Agenda Ex #1, to identify conflicts.

2. **Status of the Office:** Chris Curtin, Ombudsman: See attached report.

- Chris made presentations to 13 different groups since last meeting.
- Chris will be a panelist on Sen Hansen's HOA Leadership Forum on 11/21/19 with Sen. Hansen, Chad, and Judge McCormick. Bill is also attending.
- DOJ is providing election monitoring & vote counting with the Department of Elections for a Sussex HOA. DOE helped created machine readable ballots for automated counting. We will monitor voting.
- Mediating a case since June hoping to wrap up by the end of the year.
- Chris discussed Uniform Law Committee (National); signed onto the email list; upcoming meeting in Chicago in March. Chris will send information to Pat Wooding.
- NCC invited Chris to meeting about creation of a new ordinance for County "Neighborhood Improvement Districts," ("NIDs") in areas with unusually large demand on county resources. Councilmen want to coordinate with the Ombudsman Office.
- Chris discussed he has subpoenaed corporate and association bank records for theft investigations.
- NCCo has assessment collections process; who has paid and who is delinquent can be determined, and we are using that for financial investigations in appropriate cases.

7. **New Business:**

- a. Should the Council form a nomination committee? No new thoughts, tabled discussion for next meeting. POST MEETING: Chuck Stirk volunteered to Chair a Nominations Committee, and will seek Advisory Council members from each County.)

- b. Sen. Hanson request to discuss JP Court jurisdiction for resolution of HOA and CIC disputes, any thoughts email or call Ombudsman's Office.
- c. DSBA Online Lawyer Referral Inquiry several attorneys have agreed to participate.
- d. 2020 Schedule-Approved.

Patti Abernethy raised a question regarding mentoring committee and creating a Transition manual for HOA's for education purposes. She asked for anyone on the Council to volunteer to assist. Chad volunteered to assist in creating a Transition Manual. Chad also suggested having an engineer assist in creating the manual. Chris will provide materials collected by the Office of the Community Ombudsman's office to assist in creating the manual.

Adjournment: Moved by Patricia. Seconded by Gail. Adjourned at 3:14 pm.

Exhibit 1
2020 Common Interest Community
Advisory Council Meeting Schedule

January 22, 2020: 1 pm, Sussex County

March 25, 2020: 1 pm, New Castle County

May 27, 2020: 1 pm, Kent County

July 22, 2020: 1 pm, Sussex County

September 23, 2020: 1 pm, New Castle County

November 18, 2020: Kent County (3rd Wednesday of November to avoid Thanksgiving conflict)

REMINDER: All meetings start at 1:00 p.m. and are the 4th Wednesday of every other month.